

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 18-cr-20794
Honorable Linda V. Parker

MICHAEL LEE JOHNSON,

Defendant.

_____ /

ORDER FOR SUPPLEMENTAL BRIEFING

On October 31, 2024, during the second day of the jury trial in this matter, Defendant moved for a judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29(a). The Court took the matter under advisement. The Court instructs the parties to submit supplemental briefing with respect to the following issue relevant to Count 1 of the First Superseding Indictment, charging Defendant with Unlawful Imprisonment:

What evidence supports a finding that Defendant restrained the victim to (a) keep the confinement or location a secret and/or (b) *to facilitate* the commission of another felony?

The Government has argued that two felonies were committed against the victim while she was restrained on October 23, 2018: (i) pushing her onto the bed and (ii) threatening to throw her out the window or otherwise harm her if she called

the police (i.e., witness tampering). However, the Court interprets the instructions with respect to this charge, at least as to the second means of proving it, as requiring a finding that Defendant restrained the victim “ ‘to make’ the commission [of another felony] . . . ‘easier.’” *See People v. Hill*, No. 347823, 2020 WL 4036496, at *2 (Mich. Ct. App. July 16, 2020) (quoting *Merriam-Webster’s Collegiate Dictionary* (11th ed.)); *see also Oliver v. MaCauley*, No. 1:21-cv-406, 2024 WL 4143025, at *11 (W.D. Mich. Sept. 11, 2024) (quoting *Black’s Law Dictionary* (10th ed.)). It is not sufficient to show that the felony simply happened to have occurred while a person was restrained.

Within fourteen (14) days of this Order, the parties shall file briefs addressing this issue. The briefs shall not exceed ten (10) pages.

SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: November 4, 2024